

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Leroy John Balzer  
Karen Ann Balzer**  
Debtor(s)

Bankruptcy Case No.: 17-10652-TPA  
Per November 28, 2017 Proceeding  
Chapter: 13  
Docket No.: 37 - 16  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 14, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3,303.00 as of December, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ditech (Claim No. 3); PA Department of Revenue (Claim No. 1-2) and Internal Revenue Service (Claim No. 2) .
- ☒ H. Additional Terms: 1) Added language to Item "D": Huntington Mortgage.  
2) The secured claim(s) of the following Creditor(s) shall govern as to pre-petition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record: PNC Bank (Claim No. 10)

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: December 5, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Leroy John Balzer  
 Karen Ann Balzer  
 Debtors

Case No. 17-10652-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: vson  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 42

Date Rcvd: Dec 05, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 07, 2017.

db/jdb  
 cr  
 +Leroy John Balzer, Karen Ann Balzer, 3623 West Lake Road, Erie, PA 16505-3401  
 +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 564 Forbes Avenue, Manor Building, Pittsburgh, PA 15219-2908  
 14659125 +AAS Debt Recovery Inc., P.O. Box 129, Monroeville, PA 15146-0129  
 14659127 +AT&T, 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-1340  
 14659130 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, N.A., P.O. Box 982238, El Paso, TX 79998-2235)  
 14659129 +Bank of America, 450 East Boundry Street, Chapin, SC 29036-9417  
 14659128 +Bank of America, 13150 Worldgate Drive, Herdon, VA 20170-4376  
 14706037 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 14659136 +++CORE LOGIC, 1500 SOLANA BLVD BLDG 1, WESTLAKE TX 76262-1720  
 (address filed with court: Core Logic, One Core Logic Drive, Westlake, TX 76262)  
 14659132 Capital One Bank (USA), N.A., P.O. Box 71083, Charlotte, NC 28272-1083  
 14659134 +CitiBank N.A., 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-1340  
 14659135 +Commercial Acceptance, 2 Main Street, Shiremanstown, PA 17011  
 14659138 +Countrywide Home Loans, Inc., 1800 Tapo Canyon Road, Simi Valley, CA 93063-6712  
 14659139 +David J. Apothaker, Esquire, 520 Fellowship Road C306, Mount Laurel, NJ 08054-3410  
 14659142 +Ditech Financial LLC/Greentree Servicing, 3000 Bayport Drive, Suite 880, Tampa, FL 33607-8409  
 14659145 +Huntington Bank, 831 State Street, Erie, PA 16501-1316  
 14659146 +Huntington Mortgage Group, P.O. Box 1588, Dept. EAW25, Columbus, OH 43216  
 14659148 +Jennie C. Tsai, Esquire, Phelan, Hallinan Diamond & Jones LLP, 1617 JFK Blvd., Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103-1823  
 14659149 +Lynn M. Taber, Esquire, 1150 1st Avenue, #501, King of Prussia, PA 19406-1316  
 14659151 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 14659152 +PNC Bank, P.O. Box 3180, Pittsburgh, PA 15230-3180  
 14726640 +PNC Bank, National Association, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5421  
 14659154 +Sky Bank, 831 State Street, Erie, PA 16501-1316  
 14648011 +The Huntington National Bank, c/of McCabe Weisberg & Conway P.C., 123 South Broad Street, Suite 1400, Philadelphia, PA 19109-1060  
 14659156 +Trident Asset Management, 53 Perimeter Center East, Suite 440, Atlanta, GA 30346-2287

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14659126 +E-mail/Text: roy.buchholz@allianceoneinc.com Dec 06 2017 01:59:05 Alliance One, 4850 Street Road, Suite 300, Trevoise, PA 19053-6643  
 14659131 +E-mail/PDF: resurgentbknofications@resurgent.com Dec 06 2017 02:01:42 CACH LLC, 4340 S. Monaco Street, 2nd Floor, Denver, CO 80237-3485  
 14734326 E-mail/PDF: resurgentbknofications@resurgent.com Dec 06 2017 02:01:42 CACH, LLC C/O Resurgent Capital Services, P.O. Box 10675, Greenville, SC 29603-0675  
 14659133 +E-mail/Text: bankruptcy@capvs.com Dec 06 2017 01:59:55 Cavalry SPV I LLC, 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-1340  
 14659141 +E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14 DiTech Financial LLC, P.O. Box 6172, Rapid City, SD 57709-6172  
 14659140 +E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14 DiTech Financial LLC, 1100 Landmark Towers, 345 St. Peters Street, St. Paul, MN 55102-1211  
 14666004 E-mail/Text: bankruptcy.bnc@ditech.com Dec 06 2017 01:59:14 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154, Rapid City, South Dakota 57709-6154  
 14659143 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2017 01:55:48 Greentree Servicing LLC, 7360 South Kyrne Road, Tempe, AZ 85283-4583  
 14659144 +E-mail/Text: bankruptcy@huntington.com Dec 06 2017 01:59:34 Huntington Bank, 2361 Morse Road, Columbus, OH 43229-5891  
 14659147 E-mail/Text: cio.bncmail@irs.gov Dec 06 2017 01:59:11 Internal Revenue Service, ATTN: Centralized Insolvency Operations, P.O. Box 7346, Philadelphia, PA 19101-7346  
 14699976 +E-mail/Text: Bankruptcy@natfuel.com Dec 06 2017 01:59:38 National Fuel, Attn: Legal Dept., P.O. Box 2081, Erie, PA 16512-2081  
 14648571 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 06 2017 02:13:07 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14659150 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 06 2017 01:59:26 Pa. Dept. of Revenue, Dept. 280946, Harrisburg, PA 17128-0946  
 14663644 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 06 2017 01:59:26 Pennsylvania Department of Revenue, Bankruptcy division, P O Box 280946, Harrisburg P A 17128-0946  
 14659153 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Dec 06 2017 02:22:41 Portfolio Recovery Associates Inc., P.O. Box 12914, Norfolk, VA 23541-0914  
 14737710 +E-mail/Text: bankruptcy@huntington.com Dec 06 2017 01:59:34 The Huntington National Bank, PO Box 89424, Cleveland, OH 44101-6424  
 14689787 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 06 2017 01:56:23 Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838  
 TOTAL: 17

District/off: 0315-1

User: vson  
Form ID: 149

Page 2 of 2  
Total Noticed: 42

Date Rcvd: Dec 05, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Ditech Financial LLC et al  
cr PNC BANK, NATIONAL ASSOCIATION  
cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
14712676\* +Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340  
14701963\* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067  
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)  
14659155\* +The Huntington National Bank, c/of McCabe Weisberg & Conway P.C., 123 South Broad Street,  
Suite 1400, Philadelphia, PA 19109-1060  
14659137 ##+Countrywide Home Loans, Inc., 4500 Park Granada, Calabasas, CA 91302-1613  
TOTALS: 2, \* 4, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 07, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on December 5, 2017 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General  
akovalchick@attorneygeneral.gov  
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com  
Mario J. Hanyon on behalf of Creditor Ditech Financial LLC et al pawb@fedpne.com  
Michael S. Jan Janin on behalf of Debtor Leroy John Balzer mjanjanin@quinnfirm.com,  
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m  
myers@quinnfirm.com  
Michael S. Jan Janin on behalf of Joint Debtor Karen Ann Balzer mjanjanin@quinnfirm.com,  
knottingham@quinnfirm.com;mboni@quinnfirm.com;mgleba@quinnfirm.com;mmbquinnbankruptcy@gmail.com;m  
myers@quinnfirm.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7